

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C., 20231, on:

Date: 2/17/2000

By: Winsome Dunn

Winsome A. Dunn

Section 3

DOCKET NO.: **PXE-012.US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Ning Zhang, et al.



SERIAL NO.: 09/465,978

FILED: December 16, 1999

FOR: **Methods and Compositions for Screening for
Angiogenesis Modulating Compounds**

EXAMINER: Unknown

ART UNIT: 1643

Response to Notice to File Missing Parts of Application

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application mailed February 3, 1999 (**copy attached**), applicant hereby submits the following:

- a copy of the postcard listing the documents originally filed with present application,
- an executed Oath or Declaration by inventors,
- an Assignment for recordation, with transmittal papers,
- a Power of Attorney/Exclusion of Inventor(s) by Assignee,
- a Verified Statement Claiming Small Entity Status of the Assignee of the above-captioned application,

The Commissioner is authorized to charge the fee of **\$587.00** to Deposit Account No. 50-0652 and any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0652. A duplicate copy of this Response is attached. The fees includes payment of the basic filing fee (\$380.00) (small entity); additional claims fees (\$102.00); surcharge under 37 CFR 1.16(e) (\$65.00); and the fee (\$40.00) for recording the enclosed Assignment.

In the event that an extension of time is necessary for the present response to be considered, applicant hereby requests such a conditional extension of time.

Respectfully submitted,



Date: 2/17/00

Charles K. Sholtz
Registration No. 38,615

XENOMON CORPORATION
860 Atlantic Avenue
Alameda, CA 94501
Tel: (510) 291-6135
Fax: (510) 291-6196

FEB 22 2003



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/465,978 12/16/99 ZHANG N PXE-012.US

02/22/2003

CHARLES K SHOLTZ
XENOCORPORATION
860 ATLANTIC AVENUE
ALAMEDA CA 94501

1643

DATE MAILED:

02/03/00

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) non-small entity is \$ 347.00

1. The statutory basic filing fee is:

missing.
 insufficient.

Applicant must submit \$ 380.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due: 102

\$ 63.00 for 7 total claims over 20.
\$ 39.00 for 1 independent claims over 3.

02/24/2000 MERHE 00000114 500652 09465978
01 FC:201 380.00 CH
02 FC:502 65.00 CH
03 FC:203 63.00 CH
04 FC:202 39.00 CH

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

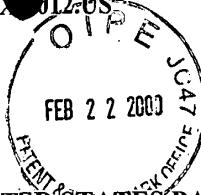
A copy of this notice MUST be returned with the reply.

W. Sholtz

CKS

2/16 7WS

PXE-012.US
4/3/2000 MP4
8/3/2000 MPO



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ning Zhang and Anthony F. Purchio
Serial No.: 09/465,978
Filed on: December 16, 1999
Title: *Methods and Compositions for Screening for Angiogenesis Modulating Compounds*

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b)--SMALL BUSINESS CONCERN**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Xenogen Corporation
860 Atlantic Avenue
Alameda, CA 94501

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in the application identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Kevin Birtchnell
Chief Financial Officer
860 Atlantic Avenue
Alameda, CA 94501



SIGNATURE

Date 2/16/00

I hereby certify that this "Transmittal for Recordation of Assignment" (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Box: Missing Parts, Washington D.C., 20231. (100-8)

Date: 2/17/2000 By: Winsome Dunn

By: Winsome Dunn

Winsome Dunn

PXE-012.US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF)
Ning Zhang and Anthony F. Purchio)
)
SERIAL NO. 09/465,978)
)
FILED: December 16, 1999)
)
FOR: **METHODS AND COMPOSITIONS FOR**) ATTENTION: Assignment Branch
SCREENING FOR ANGIOGENESIS)
MODULATING COMPOUNDSN)
)
)

Transmittal for Recordation of Assignment

Assistant Commissioner for Patents
Box: Assignment
Washington, D.C. 20231

Sir:

Attached please find an assignment document for recordal.

1. The party conveying this interest is:
- 2.

Ning Zhang and Anthony F. Purchio

2. The rights are being conveyed to:

**Xenogen Corporation
860 Atlantic Avenue
Alameda, CA 94501**

3. The accompanying document intends to accomplish:

Assignment

4. Please address correspondence to:
Charles K. Sholtz, Ph.D.
Director Intellectual Property
Xenogen Corporation
860 Atlantic Avenue
Alameda, CA 94501
Phone: (510) 291-6135

5. The attached assignment was executed on:

February 11, 2000

6. The attached document:

is in the English language.

7. Submitted herewith is:

the original document

8. This transmittal sheet identifies only one application.

9. Please charge the fee to Deposit Account No.50-0652

10. Please return the recorded document to the address shown below.

11. To the best of my knowledge and belief, the foregoing informing is true and correct and any attached copy is a true copy of the original document.

12. Total number of pages, including cover sheet, attachments and document **5**

Respectfully submitted,

Date: 2/16/00


Charles K. Sholtz
Reg. No. 38,615

XENOCORPORATION
860 Atlantic Avenue
Alameda, CA 94501
Tele: (510) 291-6135
Fax: (510) 291-6196